

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

DERRICK EVANS,

Petitioner,

v.

VICTOR WALKER, Warden,

Respondent.

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**Civil Action No.
5:08-CV-118 (CAR)**

**ORDER ON THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Before the Court is the United States Magistrate Judge's Recommendation [Tab 14] that Respondent's Motion to Dismiss the present petition as untimely [Doc. 8] be granted. No Objection was filed, and having considered the matter, this Court agrees with the findings and conclusions of the United States Magistrate Judge. The Recommendation of the United States Magistrate Judge is therefore **ADOPTED** and **MADE THE ORDER OF THE COURT**; Respondent's Motion is hereby **GRANTED**.

SO ORDERED, this 20th day of January, 2009.

S/ C. Ashley Royal
C. ASHLEY ROYAL
UNITED STATES DISTRICT JUDGE

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